

**BEFORE THE BOARD OF MEDICAL EXAMINERS STATE OF IOWA**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MICHAEL S. MILLER, D.O., RESPONDENT**

**FILE NO. 03-03-296**

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**TERMINATION ORDER**

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**NOW ON April 7, 2005 BE IT REMEMBERED:**

1. On January 26, 1998, Respondent entered into a Consent Order with the Illinois Medical Board which placed Respondent's Illinois license on indefinite probation under certain terms and conditions based on allegations Respondent demonstrated negligence in his performance of four laparoscopic procedures.

2. On December 12, 2001, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board based on the action taken in Illinois. Respondent was indefinitely prohibited from performing laparoscopic procedures under his Iowa medical license.

3. On March 24, 2003, Respondent entered into a Consent Order with the Illinois Medical Board which prohibited Respondent from participating in any surgical procedure in Illinois until he has appeared before the Illinois Medical Board.

4. On January 22, 2004, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board based on the action taken in Illinois. Respondent was prohibited from participating in any surgical procedure under his Iowa medical license.

5. On March 3, 2005, Respondent filed an application with the Iowa Board seeking termination of the restrictions placed on his Iowa medical license. Respondent provided the Board documentation which indicates that the restrictions placed on his Illinois medical license were terminated by the Illinois Medical Board.

6. On April 7, 2005, the Board voted to terminate the restrictions placed upon Respondent's Iowa medical license.

**THEREFORE, IT IS HEREBY ORDERED:**

That the restrictions placed upon Respondent's Iowa medical are terminated, and the Respondent's license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF MEDICAL EXAMINERS**



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Bruce L. Hughes, M.D., Chairperson  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa 50309-4686

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MICHAEL S. MILLER, D.O., RESPONDENT**

**No. 03-03-296**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), and  
Michael S. Miller, D.O., (Respondent), on January 22, 200~~3~~<sup>4</sup>, and pursuant to  
Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges,  
Settlement Agreement and Final Order.

1. Respondent was issued license number 02853 to practice osteopathy in Iowa on  
June 17, 1994.
2. Respondent's Iowa license is current and next expires on June 1, 2005.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,  
148 and 272C.

**COUNT I**

4. Respondent is charged under section 148.6(2)(d) of the 2003 Code of Iowa  
with being disciplined by the medical licensing authority of another state.

## **CIRCUMSTANCES**

5. On January 26, 1998, Respondent entered into a Consent Order with the Illinois Department of Professional Regulation which placed Respondent's Illinois license on indefinite probation under certain terms and conditions based on allegations Respondent was guilty of negligence in his performance of four laparoscopic procedures.

6. On December 12, 2001, Respondent entered into a Combined Statement of Charges, Settlement Agreement and Final Order with the Iowa Board of Medical Examiners in which Respondent was disciplined based on the action taken in Illinois. Respondent was indefinitely prohibited from performing laparoscopic procedures under his Iowa medical license.

7. On March 24, 2003, Respondent entered into a Consent Order with the Illinois Department of Professional Regulation to resolve a pending disciplinary action based on evidence Respondent committed gross negligence during the treatment of a patient with a bowel obstruction. Under the terms of the Consent Order, Respondent's Illinois medical license remains on probation for period of eighteen months and he is prohibited from performing any surgery or participating in any surgical procedure in the state of Illinois until he has appeared before the Illinois Department of Professional Regulation to modify the terms of the restriction placed on his Illinois medical license.

8. Respondent failed to notify the Iowa Board regarding the disciplinary action taken against his Iowa medical license.

## SETTLEMENT AGREEMENT

9. Respondent is hereby **CITED** for being disciplined by the licensing authority of the State of Illinois and for failing to report the disciplinary action to this Board. Respondent is hereby **WARNED** that being disciplined by the regulatory authority of another state and/or failing to report such disciplinary action to this Board in the future could result in further formal disciplinary action, including revocation of your Iowa medical license.

10. Upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent shall be *indefinitely prohibited* from performing any surgery or participating in any surgical procedure under his Iowa medical license.

11. Respondent may seek termination of the above restriction on his Iowa medical license upon submission of evidence that the basis for the prohibition no longer exists.

12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272C.

14. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

15. This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

16. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

17. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order it shall be of no force or effect to either party.

18. The Board's approval of this combined Statement of Charges, Settlement Agreement shall constitute a **FINAL ORDER** of the Board.



Michael S. Miller, D.O., Respondent

Subscribed and sworn to before me on Nov. 28, 2003.

Notary Public, State of IN  
COUNTY OF GREENE



CURTIS F. HUTTON

I reside in Greene Co.

My commission  
expires 2/13/07

This combined Statement of Charges, Settlement Agreement and Final Order is approved by

the Board on January 22, 2003.



Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686